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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/980,026	03/29/2002	Werner Lautenschlager	27392/24963	3016 7

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10/02/2003

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EXAMINER

MAYEKAR, KISHOR

ART UNIT

PAPER NUMBER

1753

DATE MAILED: 10/02/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/980,026

Applicant(s)

LAUTENSCHLAGER ET AL.

Examiner

Kishor Mayekar

Art Unit

1753

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5. 6) ☐ Other:

DETAILED ACTION

Priority

1. Acknowledgment is made of applicant's claim for foreign priority based on a 35 U.S.C. 371 National Stage application of PCT/EP01/03482 filed March 27, 001. It is noted, however, a copy of the certified Germany priority document has not been received.

Specification

2. This application does not contain an abstract of the disclosure as required by 37 CFR 1.72(b). An abstract on a separate sheet is required.
3. The specification is objected because the headings introducing various paragraphs of the specification have been omitted.

The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

Arrangement of the Specification

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) TITLE OF THE INVENTION.
- (b) CROSS-REFERENCE TO RELATED APPLICATIONS.
- (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
- (d) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC (See 37 CFR 1.52(e)(5) and MPEP 608.05. Computer program listings (37 CFR 1.96(c)), "Sequence Listings" (37 CFR 1.821(c)), and tables having more than 50 pages of text are permitted to be submitted on compact discs.) or
REFERENCE TO A "MICROFICHE APPENDIX" (See MPEP § 608.05(a). "Microfiche Appendices" were accepted by the Office until March 1, 2001.)
- (e) BACKGROUND OF THE INVENTION.
 - (1) Field of the Invention.
 - (2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.
- (f) BRIEF SUMMARY OF THE INVENTION.
- (g) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).
- (h) DETAILED DESCRIPTION OF THE INVENTION.
- (i) CLAIM OR CLAIMS (commencing on a separate sheet).
- (j) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).
- (k) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A "Sequence Listing" is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if the required "Sequence Listing" is not submitted as an electronic document on compact disc).

Claim Objections

4. Claim 10 is objected because the claim does not refer to a preceding claim.

See MPEP § 608.01(n).

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 1-5, 9 and 12-17 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 1, the phrase "which can be irradiated" is indefinite for referring to a method of operating the device. The phrases "can be exposed", "being able to be closed", "being fixed on ... engagement connection" and "contains the solid" are also indefinite for referring to a method of operating the device. The phrases "the action" and "the high frequency field" lack antecedent basis.

The phrase "the reactor being fixed on or in the upper wall of" is confusing. The phrase "contains the solid, ... or substance mixtures" is indefinite for referring the containing material as part of the structures of the device. The phrase "rod-like" is indefinite when the term "like" is appended to the otherwise definite term "rod". The phrase "form a pressure-resistant cage" needs to be replaced with the phrase --configured to form a pressure-resistant cage—to eliminate reference to a process of operating the device. The phrase "can be connected " is indefinite for referring to a method of operating the device. The phrase "the wall" is either confusing as to which wall is recited or lacking antecedent basis. The phrase "fixing elements" lacks antecedent basis. The phrase "each of which" is confusing as to which recited structure is referring to. The phrase "a reactor closure" is confusing as to the relation between the closure and the cover. The phrases "the manufacture" and "the positive and nonpositive engagement fixing" lack antecedent basis.

Regarding claim 2, the same is applied to claim 1 to the phrase "rod-like" (thrice occurrences). The phrase "a guide a narrowing" is confusing. Also, the claim is confusing as one time the guide (in line 2) is in singular and the other time it (in last line) is in plural.

Regarding claim 3, the same is applied to claim 1 to the phrase "rod-like".
The phrase "the face" lacks antecedent basis.

Regarding claim 4, the same is applied to claim 3 to the phrase "rod-like" (twice occurrences) and "the face".

Regarding claim 5, the same is applied to claim 1 to the phrase "rod-like" (twice occurrences). The term "whereby" is indefinite because the action following the term does not necessarily occurs. And the phrase "whereby, with the securing ... to microwaves" is not completed.

Regarding claim 9, the same is applied to claim 1 to the phrase "rod-like".
The phrase "especially ... of the device" is confusing as whether it is part of the claimed device.

Regarding claim 12, the phrase "inserts" lacks antecedent basis.

Regarding claim 13, the phrase "the multiple reaction chambers" lacks antecedent basis.

Regarding claim 14, the same is applied to claim 13.

Regarding claim 15, the same is applied to claim 1 to the phrase "rod-like".

Regarding claim 16, the same is applied to claim 1 to the phrase "rod-like".

Regarding claim 17, the same is applied to claim 1 to the phrase "rod-like".

Allowable Subject Matter

7. Claims 1-19 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action.

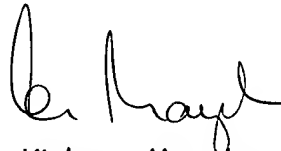
8. The following is a statement of reasons for the indication of allowable subject matter: Because the prior art references do not disclose in a device for carrying out chemical reactions and processes in high-frequency fields the provision of the recited rod elements configured to be connected to an upper wall of a high-frequency chamber in a positive and non-positive manner engagement to secure the upper end of the rod elements individually through fixing elements and each of the rod elements has a guide for holding a crown-shaped holder for a reactor or a lower reactor closure such that the holder is fixed in its position when fixing the upper end of the rod elements in combination with other recited structures as claimed in claims 1-19.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kishor Mayekar whose telephone number is

(703) 308-0477. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nam Nguyen can be reached on (703) 308-3322. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.

A handwritten signature in black ink, appearing to read 'Kishor Mayekar', is positioned above the printed name and title.

Kishor Mayekar
Primary Examiner
Art Unit 1753

KM